of the actual decisions, therefore, a uniform test for navigability seems possible, although the diversity of views expressed by the courts makes such a result improbable. The English rule holding that only land under tidal waters belongs to the sovereign, coupled with a public right to travel over actually navigable waters, is based on reason, is comparatively easy of application, and has been adopted by a number of American jurisdictions.[10] It is submitted that it is much more desirable than a test making land titles depend on the uncertainties as to actual navigability,[11] which is neither based on fundamental reason nor necessary to secure the rights of the public.

RECENT CASES.

ADMIRALTY — TORTS — LIMITATION OF LIABILITY OF FOREIGN SHIP-OWNERS. — The owners of the British steamship "Titanic" petition to limit their liability under the Act of March 3, 1851, U. S. REV. STAT. §§ 4282–4289, for losses resulting from the collision of the ship with an iceberg in mid-ocean. *Held*, that the English, not the American, law governs. *The Titanic*, 49 N. Y. L. J. 685 (U. S. Dist. Ct.).

The limitation of liability for collisions on the high seas in American law is based wholly on statute. In the case of *The Scotland*, 105 U. S. 24, the American statute, as the law of the forum, was held applicable to a collision between an American and an English ship. The law of the forum was also applied where a Belgian and a Norwegian vessel collided. *The Belgenland*, 114 U. S. 355. In both cases, however, exceptions were indicated. If the laws limiting liability for collisions were the same in the countries to which two foreign ships of different nationalities belonged, the law of the forum would yield to the law of the flag; *a fortiori*, if the vessels belonged to the same foreign country. These seem correct on the theory that the same or similar foreign law has followed both ships. Logically, the case of an English ship stranding on English soil comes within such a rule. *Contra*, *The State of Virginia*, 60 Fed. 1018. The case of an English ship, striking an iceberg, is an equally clear case for applying the law of the flag. A broad construction, in substance making the act a mere procedural limitation in favor of all ship-owners sued in federal courts, has been given to the Harter Act, which creates a similar limitation of liability for loss due to faulty navigation. *The Chattahoochee*, 173 U. S. 540. Such an interpretation, however, has never been put upon the Act of 1851.

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42 Wash. 326, 95 Pac. 278. A number of decisions in the northwestern states have been based on the idea that the meander lines of the federal surveys were necessarily the boundaries of riparian property. See Kinkead *v.* Turgeon, 74 Neb. 573, 109 N. W. 744. As to the Great Lakes, it would seem that a reasonable construction of grants conveying property bordering thereon would make the shore line the boundary. In many other cases historical reasons have decided the titles, as, for example, royal grants, etc. But it would seem that decisions of this sort would not be inconsistent with a uniform test for navigability, however conflicting the language used by the courts may be.

[10] Kinkead *v.* Turgeon, 74 Neb. 573, 109 N. W. 744; Cobb *v.* Davenport, 32 N. J. L. 369; Lattig *v.* Scott, 17 Id. 506, 107 Pac. 47; Farris *v.* Bentley, 141 Wis. 671, 124 N. W. 1003; Hardin *v.* Jordan, 140 U. S. 371, 11 S. Ct. 808; Webber *v.* Pere Marquette Boom Co., 62 Mich. 626, 30 N. W. 469; Browne *v.* Chadbourne, 31 Me. 9.

[11] See Hurst *v.* Dana, 86 Kan. 947–964, 122 Pac. 1041–1047.